Single Bench

Official

(3)

IN THE HIGH COURT OF CHHATTISGARH JUDICATURE AT BILASPUR

W. P. NO. 4672 **/ 2004**

Petitioner

P.R. No. 4713/04
Presented by Shri S. Tamrakar, Advocate
dated 02-12-04

Manglu Ram Dhruw, Aged about 59 Years, S/o Late Vishram Singh Duruw, R/o Lal Bagicha, Chota Gaura Choura, Near Ramu Kirana Stores, Ward-2 Dhamtari, Dist : Dhamtari-(C.G.).

Versus

Respondents :

1. State of Chhattisgarh Through The Secretary, Public Health Engineering Department,D.K.S.Bhawan, Raipur-(C.G.)

2. The Additional Secretary, Public Health Engineering Department,D.K.S.Bhawan, Raipur-(C.G.)

3. The Executive Engineer, Public Health Engineering, Division - Dhamtari, Dist : Dhamtari-(C.G.)

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सपथ आयुक्त
बिलासपुर (छ.ग.)
बिलासपुर तहसील केन्द्र

WRIT PETITION U/A 226 / 227 OF THE CONSTITUTION OF INDIA

(36)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 4672 of 2004

Petitioner — Manglu Ram Dhruw

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Santosh Bharat, Advocate for the petitioner.

Miss Deepali Pandey, Panel Lawyer for the respondents/State.

ORDER

(Passed on this 23rd day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Handpump Mechanic Public Health and Engineering Department at Dhamtari was transferred to Jagdalpur, on the same terms and conditions vide impugned transfer order dated 11.11.2004 (Annexure P/2).
2. This Court vide interim order dated 8.12.2004 granted stay of the transfer order.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the earlier transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur